

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

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SO. DIST. OF GA.

TRACE STAFFING SOLUTIONS, )  
LLC, and CEP TRANSITION )  
COMPANY, LLC, )

Plaintiffs, )

v. )

CASE NO. CV417-083

MANUFACTURERS ALLIANCE )  
INSURANCE COMPANY, and )  
PENNSYLVANIA MANUFACTURERS' )  
ASSOCIATION INSURANCE )  
COMPANY, )

Defendants. )

O R D E R

Before the Court is Plaintiffs and Defendants Manufacturers Alliance Insurance Company and Pennsylvania Manufacturers' Association Insurance Company's ("PMA Defendants") Joint Motion to Dismiss Pursuant to Settlement. (Doc. 131.) In their motion, Plaintiffs and PMA Defendants state that they have completed their settlement and have resolved the claims asserted by Plaintiffs against PMA Defendants as well as the counterclaims asserted by PMA Defendants against Plaintiffs. (Id. at 1.) Plaintiffs and PMA Defendants request that the Court dismiss those claims with prejudice. (Id.)

Plaintiffs and PMA Defendants do not cite to any authority in their Joint Motion to Dismiss as the basis for dismissal. Because dismissal is being sought by an order of this Court, rather than a notice or stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), the Court presumes that Plaintiffs and PMA Defendants proceed under Federal Rule of Civil Procedure 41(a)(2), which permits dismissal of an action at the plaintiff's request "only by court order, on terms that the court considers proper." Further, "[i]f a defendant has pleaded a counterclaim before being served with the plaintiff's motion to dismiss, the action may be dismissed over the defendant's objection only if the counterclaim can remain pending for independent adjudication." Fed. R. Civ. P. 41(a)(2). Plaintiffs and PMA Defendants have stated they seek dismissal of Plaintiffs' claims against PMA Defendants and the counterclaims asserted by PMA Defendants against Plaintiffs due to the settlement that has been reached between the parties.

This Court finds that the request for dismissal is warranted and the terms of dismissal are proper. The parties' Joint Motion (Doc. 131) is **GRANTED** and, as requested, Plaintiffs' claims against PMA Defendants are **DISMISSED WITH PREJUDICE** and PMA Defendants' claims against

Plaintiffs are DISMISSED WITH PREJUDICE. Accordingly, as all claims in this action have now been dismissed, this action is DISMISSED WITH PREJUDICE. Each party shall bear its own costs and attorneys' fees. The Clerk of Court is DIRECTED to close this case.

SO ORDERED this 6<sup>th</sup> day of January 2020.

A handwritten signature in blue ink, appearing to read "W. T. Moore, Jr.", is written over a horizontal line.

WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA